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12 Automobile Insurance Company*

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 PAULA CHMIEL, individually;

11 Plaintiff,

12 vs.

13 STATE FARM MUTUAL AUTOMOBILE
14 INSURANCE COMPANY, a Foreign
15 Company; DOES I through X, inclusive; ROE
16 CORPORATIONS XI through XX, inclusive,

17 Defendants.

CASE NO.: 2:22-cv-1768-RFB-DJA

**STIPULATION AND ORDER TO
EXTEND DISCOVERY DEADLINES**

[SECOND REQUEST]

18 Pursuant to LR 6-1 and LR 26-3, the parties, by and through their respective counsel of
19 record, hereby stipulate and request that this Court extend discovery in the above-captioned case by
20 ninety (90) days, up to and including Tuesday, January 16, 2024. In addition, the parties request
21 that all other future deadlines contemplated by the Discovery Plan and Scheduling Order be
22 extended pursuant to Local Rule. In support of this Stipulation and Request, the parties state as
23 follows:

24 **DISCOVERY COMPLETED**

25 1. On November 16, 2022, the parties conducted an initial FRCP 26(f) conference.
26 2. On December 21, 2022, Plaintiff served written discovery on Defendant State Farm.
27 State Farm's Responses are due on March 7, 2023.

- 1 3. On January 9, 2023, Plaintiff served her FRCP 26 Initial Disclosures. Plaintiff has
- 2 supplemented their disclosures three times time, last on or about June 12, 2023.
- 3 4. On February 2, 2023, Defendant served its FRCP 26 Initial Disclosures. State Farm
- 4 has provided two supplements to disclosures, the last served on or about April 18,
- 5 2023.
- 6 5. On March 6, 2023, Defendant served written discovery on Plaintiff Chmiel. Chmiel
- 7 provided responses approximately May 2, 2023.
- 8 6. Defendants deposed Plaintiff Chmiel June 13, 2023.
- 9 7. Defendants deposed fact witness Brandin Erickson June 16, 2023.

10 **DISCOVERY REMAINING**

- 11 1. The parties will continue participating in written discovery.
- 12 2. Defendant will collect Plaintiff's medical records.
- 13 3. Plaintiff will depose State Farm representatives.
- 14 4. Plaintiff will depose Defendant's FRCP 30(b)(6) witness(es).
- 15 5. The parties may depose any and all other witnesses garnered through discovery,
- 16 potentially including treatment providers and claims adjusters.
- 17 6. The parties will designate expert witnesses and may conduct depositions of those
- 18 expert witnesses.
- 19 7. Any and all remaining discovery required as permitted by the Federal Rules of Civil
- 20 Procedure.

21 **WHY REMAINING DISCOVERY HAS NOT BEEN COMPLETED**

22 The parties aver, pursuant to Local Rule 26-3, that good cause exists for the following
23 requested extension. This Request for an extension of time is not sought for any improper purpose
24 or other purpose of delay. Rather, the parties seek this extension solely for the purpose of allowing
25 sufficient time to conduct discovery and to consider alternative dispute resolution prior to expert
26 discovery.

27 The parties have been diligent in moving the case forward: participating in a reasonable
28 amount of discovery, including exchanging their initial lists of witnesses and documents;

1 propounding written discovery requests and preparing responses thereto; records procurement; and
 2 preparing for Plaintiff's deposition.

3 Counsels for Plaintiff and Defendants have been discussing attending mediation in an
 4 attempt to settle this matter. If settlement in mediation is unsuccessful the parties have discussed
 5 submitting this matter to binding arbitration. Therefore, counsels are requesting this extension in an
 6 attempt to resolve this matter without additional Court involvement.

7 Extension or Modification of The Discovery Plan and Scheduling Order. LR 26-3 governs
 8 modifications or extension of the Discovery Plan and Scheduling Order. Any stipulation or motion
 9 to extend or modify that Discovery Plan and Scheduling Order must be made no later than twenty-
 10 one (21) days before the expiration of the subject deadline and must comply fully with LR 26-3.
 11 This stipulation is made more than 21 days before the expiration of any deadlines.

12 This is the second request for extension of time in this matter. The parties respectfully submit
 13 that the reasons set forth above constitute compelling reasons for the short extension.

14 The following is a list of the current discovery deadlines and the parties' proposed extended
 15 deadlines:

Scheduled Event	Current Deadline	Proposed Deadline
Discovery Cut-off	<i>Wednesday, October 18, 2023</i>	<i>Tuesday, January 16, 2024</i>
Deadline to Amend Pleadings or Add Parties	<i>Thursday, July 20, 2023</i>	<i>Wednesday, October 18, 2023</i>
Expert Disclosure pursuant to FRCP 26 (a)(2)	<i>Monday, August 21, 2023</i>	<i>Monday, November 20, 2023</i>
Rebuttal Expert Disclosure pursuant to FRCP. 26(a)(2)	<i>Monday, September 18, 2023</i>	<i>Monday, December 18, 2023</i>
Dispositive Motions	<i>Thursday, November 16, 2023</i>	<i>Wednesday, February 14, 2024</i>

Scheduled Event	Current Deadline	Proposed Deadline
Joint Pretrial Order	Thursday, December 14, 2023	<i>Wednesday, March 13, 2024</i> <i>If dispositive motions are pending, then the parties will serve their Joint Pretrial Order within thirty days of the Court's order as to the parties' dispositive motions.</i>

WHEREFORE, the parties respectfully request that this Court extend the discovery period by ninety (90) days from the current deadline of October 18, 2023, up to and including January 16, 2024, and the other dates as outlined in accordance with the table above.

11 Dated this 17th day of July, 2023.

Dated this 17th day of July, 2023.

12 LEWIS BRISBOIS BISGAARD & SMITH LLP

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13 /s/ Frank A. Toddre, II

/s/ Alison M. Brasier

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19 **ORDER**

20 IT IS SO ORDERED.

21 DATED this 18th day of July, 2023.



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UNITED STATES MAGISTRATE JUDGE